

LAKE COUNTY BOARD of ADJUSTMENT
October 9, 2019
Lake County Courthouse Commissioners Office (Rm 211)
Meeting Minutes

MEMBERS PRESENT: Don Patterson, Steve Rosso, Mary Jensen, Mike McKee

STAFF PRESENT: Rob Edington, Clint Evenson, Tiffani Murphy, Lita Fonda

Don Patterson called the meeting to order at 3:30pm.

FLINK SETBACK VARIANCE—FINLEY POINT 3:30pm)

Clint Evenson presented the staff report. (See attachments to minutes in the October 2019 meeting file for staff report.) In #3 on pg. 2, he mentioned the developed nature as well as the size and topography of the lot.

Clint clarified the distance of extension over the property line was a couple of inches. It was very close. In the picture, you also could see the lot to the south had the same issue.

Mike checked about the tree limbs that might extend over the property line. Couldn't those be trimmed to the property line? Clint described concern from damages. Mike asked if this [condition] was absolutely required. Clint wasn't sure of the legal issue. This was conditioned because they felt it was necessary. They hadn't heard from the southern neighbors at all. Tiffani explained that with these special approvals, the Planning Dept. had the right to mitigate impacts. That was the reason that they had these conditioned use approvals. If staff felt this could be an impact, their job was to mitigate those. That was what this condition was trying to do. Rob noted it was a recommendation to the Board.

For modification of the project to be entirely over the applicant's property, Clint explained they just wanted to see that portion of the eave or structure, since it was such a small area, be removed or modified so it would be completely on the applicant's lot.

Mary noted that as you went up in height, the tree limbs would hinder the roofline too. Those limbs would have to be cut.

Clint clarified further that they didn't like to approve something that [extended] on the neighboring lot without easements or proper [permissions]. He thought this [removal] was the easiest solution.

Clint described for Mary that in relation to the existing garage, the staircase would be on the eastern side, referring to attachment 5 and describing the location further, on the left. She asked if they considered having the staircase inside the existing garage. Agent Dennis Bezdicek commented the garage wasn't big enough now.

Agent Dennis Bezdicek spoke about the Flinks' project. Regarding the tree, he thought only 1 limb would need to be cut for him to go straight up. He talked to the neighbor, and she didn't have objections.

Public comment opened: None present. *Public comment closed.*

Steve noted that adding the staircase outside increased the footprint and impervious area of this building, which would be another variance. Dennis indicated to Steve that he would take the roof apart and reuse the trusses. Steve gave a suggestion although he wasn't sure how it would work with impervious surface. The portion of the garage in the setback wasn't included in the impervious surface calculation. Dennis talked about a portion of the eave was 1 foot on the south side. Steve said not on the gable ends, but on the two eaves, if they were to reassemble the roof and attach it to the building, perhaps they could move those trusses over a foot, sideways, so on the west side they'd have a 1-foot eave and on the east side they'd have a 3-foot eave, and maybe cover the stairway. Dennis said he was hoping for that. Steve noted the roof size hadn't changed in this scenario. Clint said this was still allowed.

Steve said that would work, except they were reducing the square footage in the setback and increasing the square footage outside the setback, so the impervious surface as currently calculated would actually go up even though the total impervious surface wasn't changing. That was an issue the staff would have to work with. In his mind, it was okay—the 'real' impervious surface hadn't increased. This illustrated one problem he had [with the current way of including impervious surface], where he'd like to include all impervious surface. He described further how they might shift this in order to possibly have the corner on the property and not have to cut it off. They'd reduce the eave on the south and west, and increase it on the east and north. The stairway would be covered and would not have to be [added as additional impervious surface] if it was under the roof.

Clint pointed to photo #3 on attachment 7, and the carport area/impervious surface on the west side of the structure. If the staircase were put on that, it wouldn't increase the amount of impervious surface. Dennis noted the concrete was [just] big enough to park a car so they didn't want to [reduce it by putting] the staircase on that side. If the Board approved the variance for the change in use, Steve mentioned it wouldn't include a variance for increased impervious surface if that stairway increased it. The applicants needed to work out a way to not increase the impervious surface with the stairway or apply for another variance. Dennis wanted to do Steve's suggestion of a 1-foot eave on one side and a 3-foot eave on the other. Steve pointed out where there might be a little bit of a problem with the calculation where impervious surface would be added to the east side. If that was overlooked, this could work as long as the square footage of the roof was not increased. Clint thought if it didn't increase the eave-print where it existed, they could work with it.

Steve gave suggestions for the findings of fact:

- Pg. 8, item f.iii: Between ‘easements’ and ‘before’, add ‘and doesn’t increase the degree of nonconformity by changing the footprint and eave-print’.
- Pg. 8, item g: After ‘adjacent property’ in the 5th line, add ‘or increase the degree of nonconformity’.

Steve showed Dennis a sketch, asking if Dennis agreed that this was what they’d discussed. Dennis corrected that they didn’t have a 2-foot eave all the way around and indicated where they had a 1-foot eave. He’d shift it over to make it a 6-inch overhang. He thought he could make it work.

Changes were suggested.

Pg. 9, #4: Steve and Mary adjusted first word from ‘A’ to As’.

Pg. 9, #4, 2nd bullet: Steve added ‘side’ before ‘property lines’ and ‘50 feet from the full pool of the lake’ to the end of the bullet.

Pg. 9, #7: After brief discussion, the group eliminated this.

Pg. 9, #3, 3rd line: Steve and Mike added ‘, not a bedroom,’ before ‘until’ to clarify.

Pg. 4, #13, 3rd line: Mary checked if ‘exciting garage’ to ‘existing garage’ needed to be corrected. Steve said it did not need to be changed if it wasn’t part of the findings of fact.

Motion made by Steve Rosso to approve the variance with findings of fact and conditions and terms as modified.

Rob checked that talking about not increasing the degree of nonconformity in the findings pertained to beyond the footprint. Steve suggested they could say footprint and eave-print nonconformity to be clearer. He asked if Rob was referring to the change in item g [on pg. 8]. Rob referenced any conditions that might have been modified where they talked about not increasing the degree of nonconformity. Steve and Clint agreed to add ‘footprint and eave print’ prior to ‘nonconformity’ in the prior addition to item g.

Seconded by Mike McKee. Motion carried, all in favor.

REBER CONDITIONAL USE—FINLEY POINT (4:10 pm)

Mary mentioned she personally knew the applicants and asked if that was an issue. Lita relayed that Wally emphasized whether or not Mary would receive some benefit. Steve said she could certainly recuse herself if she wished. If she wasn’t dependent on decisions that they made or they couldn’t hold anything over her, he didn’t think there was a [need]. Mary said [she would not receive a benefit and was not dependent on their decisions].

Tiffani Murphy presented the staff report. (See attachments to minutes in the October 2019 meeting file for staff report.) No agent was present. The Board had no questions or comments.

Public comment opened: No public was present to comment. *Public comment closed.*

Motion made by Steve Rosso, and seconded by Mary Jensen, to approve the conditional use with findings of fact and conditions as recommended. Motion carried, all in favor.

MINUTES (4:18 pm)

March 31, 2019: Motion made by Mike McKee, and seconded by Mary Jensen, to approve the March 31, 2019 meeting minutes as written. Motion carried, 3 in favor (Don Patterson, Mary Jensen, Mike McKee) and one abstention (Steve Rosso).

June 12, 2019: Motion made by Steve Rosso, and seconded by Mary Jensen, to approve the June 12, 2019 meeting minutes as written. Motion carried, all in favor.

OTHER BUSINESS (4:19 pm)

There would be items for next month's meeting. Projects were touched upon.

Don Patterson, chair, adjourned the meeting at 4:22 pm.